**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4179**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Bauer, Cobb-Hunter, King, Ott, McDaniel, Jefferson, McCabe, White, Cromer, Beach, Oremus, Trantham, Bustos, Burns, Dillard, Willis, Magnuson and Harris

Companion/Similar bill(s): 130, 178, 248, 444, 450, 872, 3022, 3447, 4183

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Introduced in the House on March 28, 2023

Currently residing in the House

Summary: Judicial Merit Selection Commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/28/2023 House Introduced and read first time ([House Journal‑page 26](h:\hj\20230328.docx))

3/28/2023 House Referred to Committee on **Judiciary** ([House Journal‑page 26](h:\hj\20230328.docx))

3/29/2023 House Member(s) request name added as sponsor: Cobb-Hunter

4/4/2023 House Member(s) request name added as sponsor: King, Rivers

4/5/2023 House Member(s) request name added as sponsor: Ott,
McDaniel, Jefferson, Anderson, Gilliard

4/19/2023 House Member(s) request name added as sponsor: McCabe, White

4/20/2023 House Member(s) request name added as sponsor: Cromer,
Beach, Oremus

4/25/2023 House Member(s) request name added as sponsor:
Trantham, Bustos, Burns, Dillard, Willis

4/26/2023 House Member(s) request name added as sponsor:
Magnuson, Harris

5/3/2023 House Member(s) request name removed as sponsor:
Gilliard, Anderson

5/4/2023 House Member(s) request name removed as sponsor: Rivers

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**VERSIONS OF THIS BILL**

[03/28/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4179_20230328.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2‑19‑10, RELATING TO THE MEMBERSHIP OF THE JUDICIAL MERIT SELECTION COMMISSION, SO AS TO PROVIDE THAT THE GOVERNOR APPOINT SIX MEMBERS OF THE COMMISSION, THE PRESIDENT OF THE SENATE APPOINT TWO MEMBERS, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES APPOINT TWO MEMBERS, AND TO PROHIBIT A MEMBER OF THE GENERAL ASSEMBLY FROM SERVING AS A MEMBER OF THE COMMISSION; AND BY AMENDING SECTION 2‑19‑80, RELATING TO THE NOMINATION OF QUALIFIED CANDIDATES BY THE JUDICIAL MERIT SELECTION COMMISSION TO THE GENERAL ASSEMBLY, SO AS TO PROVIDE THAT ALL QUALIFIED CANDIDATES BE SUBMITTED TO THE GENERAL ASSEMBLY FOR CONSIDERATION, AND THAT THE COMMISSION PROVIDE A WRITTEN EXPLANATION TO A CANDIDATE FOUND NOT QUALIFIED.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1.A. Section 2‑19‑10(B) of the S.C. Code is amended to read:

(B) Notwithstanding any other provision of law, the Judicial Merit Selection Commission shall consist of the following individuals:

(1) five members appointed by the Speaker of the House of Representatives and of these appointments:

(a) three members must be serving members of the General Assembly; and

(b) two members must be selected from the general public;

(2) three members, appointed by the Chairman of the Senate Judiciary Committee, who must be serving members of the Senate; and

(3) two members, appointed by the President of the Senate, who must be selected from the general public.

(1) six members appointed by the Governor, of which at least one member must be recommended by the South Carolina Bar Association;

(2) two members appointed by the President of the Senate; and

(3) two members appointed by the Speaker of the House of Representatives.

B. Section 2-19-10(D) of the S.C. Code is amended to read:

(D) The term of office of a member of the commission who is not a member of the General Assembly shall be for four years subject to a right of removal at any time by the person appointing him, and until his successor is appointed and qualifies. A member of the commission who is a serving member of the General Assembly shall serve for the term of office to which he has been elected.No member of the General Assembly shall serve as a member on the commission.

SECTION 2. Section 2‑19‑80(A) of the S.C. Code is amended to read:

(A) The commission shall make nominations to the General Assembly of candidates and their qualifications for election to the Supreme Court, court of appeals, circuit court, family court, and the administrative law judge division. It shall review the qualifications of all applicants for a judicial office and select therefrom and submit to the General Assembly the names and qualifications of all the three candidates whom it considers best qualified for the judicial office under consideration. If fewer than three persons apply to fill a vacancy or if the commission concludes there are fewer than three candidates qualified for a vacancy, it shall submit to the General Assembly only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names. If the commission finds a candidate not qualified for the judicial office sought, the commission must provide the candidate a written explanation regarding the commission’s finding.

SECTION 3. This act takes effect upon approval by the Governor.

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